IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

SIERRA CLUB,)
Plaintiff, v.))
CITY OF HOLLAND and HOLLAND BOARD OF PUBLIC WORKS,	Civil Action No. 1:11-cv-00071 Hon. Paul L. Maloney Chief U.S. District Judge
Defendants.	,))
))

PARTIES' JOINT MOTION TO STAY ALL DEADLINES AND TRIAL DATE

Plaintiff, Sierra Club, by its attorneys, and Defendants, City of Holland and Holland Board of Public Works, by their attorneys, (collectively "Parties") move to stay all deadlines and the trial date set by the Case Management Order (Dkt # 14). In support of this request, the Parties state as follows:

1. The Parties in this case, and the related case (Case No. 1:08-cv-01183-PLM, in which the parties also jointly moved to stay all deadlines and trial date), have consented to Voluntary Facilitative Mediation (VFM). The first VFM session was held on August 10, 2011 with the Court-appointed Mediator, Mr. Frederick Dilley, who is filing this week his Interim Report with the ADR Clerk. Settlement was not reached; however, at the end of the day-long session, the parties agreed to continue negotiations. The Parties agreed to a process that will allow them to engage in further settlement talks. The Parties anticipate that the process will take several months with the ultimate aim of reaching a settlement.

2. The Court has indefinitely adjourned the related case while there are ongoing VFM efforts. If the Mediator or the Parties advise the ADR Clerk that settlement is not successful, the Court will decide the pending motions for summary judgment and reset the remaining pretrial deadlines and trial date. (08-cv-1183, Dkt # 194).

3. In this case, preliminary expert disclosures are due from Plaintiff on October 1, 2011 and from Defendant on November 15, 2011. (Dkt # 14). Moreover, fact discovery is scheduled to close on December 15, 2011. Other deadlines related to discovery and experts are also approaching.

4. The Parties seek a stay of the above-captioned action to allow them to attempt to resolve this matter through settlement and to prevent them from having to unnecessarily expend resources in this litigation, including conducting further discovery and incurring costs related to experts, while the settlement process is ongoing.

WHEREFORE, the Parties respectfully request that the Court stay the deadlines and the trial date in this case and order that any party may request a telephone status conference with the Magistrate Judge in the event that impasse is reached in the settlement efforts so that the Court may reschedule all deadlines in a modified Case Management Order.

Respectfully submitted on September 29, 2011.

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s/ Pamela R. McGillivray

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